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Case 7:07-cv-04534-KMK

Document 16

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JENNIFER LUNDGREN,

Plaintiff,

07 Civ. 4534 (WP4)

-against-

**PLAINTIFF'S
RESPONSE TO
INTERROGATORIES**

SEAN G. JULIUS, SHARON L. DAVIS,
LICARE CORPORATION d/b/a/
VACCARO'S WINE & SPIRITS, and
JOHN DOES 1-10,

Defendants.

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Plaintiff Jennifer Lundgren, by her attorneys Baker, Leshko, Saline & Blosser, LLP,
responding to the interrogatories of Sean G. Julius and Sharon L. Davis, state as follows:

1. The particular acts or omissions constituting the alleged negligence including the title, chapter and section of each and every Statute, Ordinance, Regulation and Rule claimed to have been violated by answering defendant(s).

Response: Defendant Mr. Julius drove the automobile at an excessive rate of speed and also while he was under the influence of alcohol and or drugs. The violations of law include, but are not necessarily limited to, vehicle and traffic law sections VTL 1180 (d), 1192 (2) and (3) and the Dram Shop Act.

Response: The accident occurred at approximately 11:22 p.m. on June 28, 2005.

3. State the name of the road, street or highway which the accident described in the complaint occurred on, and the nearest intersecting road, street or highway so as to locate the place of accident, giving the compass direction in which the vehicle mentioned in the complaint was proceeding.

Response: The accident occurred on Olivia Street, Port Chester, New York, approximately 100 feet of Prospect Street. The car was heading in a westerly direction.

4. State whether any other vehicles were involved in the accident and if so;

- a) state the names of the registered owners and of the operators of the other vehicles;
- b) the addresses of the owners and operators of the other vehicles, and ;
- c) the registration numbers of the other vehicles. State the road conditions, that is, whether wet, dry, or slippery, etc.

Response: a) Upon information and belief, Sharon L. Davis, 48 Oak Street, Port Chester, New York 10573 is the registered owner of the automobile. Sean G. Julius, was the driver of the automobile.

b) There were no other vehicles involved in the accident.

c) Plaintiff believes that the weather conditions were dry.

5. State lane in which each vehicle was proceeding before contact.

Response: Upon information and belief, vehicle was driving in the right hand lane.

traffic lights or signals and, if so, place them to sufficiently locate the place of such traffic signals.

Response: Upon information and belief, Plaintiff does not believe that that portion of Olivia Street was controlled by traffic lights or signals.

7. Describe in detail the injuries sustained by each plaintiff(s) as a result of the alleged accident, including all marks and which part of parts of the body affected.

Response: The injuries included, but were not limited to, a violent collision where Plaintiff's knee went into the front seat of the automobile with such force that her leg became detached from her hip.

8. If any plaintiff(s) has any permanent injury as a result of the alleged accident, describe it in detail.

Response: The permanent injury which the Plaintiff has suffered and will continue to suffer is deterioration to the subject leg, a limp and she will require multiple hip replacement surgeries in the future.

9. If any plaintiff(s) received treatment at any hospital or hospitals, describe such treatment, giving the names and addresses of each hospital, the dates and whether received a an out-patient or as an in-patient

Response: Immediately after the accident, Plaintiff was taken to the Westchester County Medical Center, Trauma Unit, Valhalla, New York.

10. If any plaintiff(s) was treated by a physician or physicians, as a result of the alleged accident, list the number of treatments given, the dates as far as possible, including in particular the date of the first and last times plaintiff(s) saw said physician or physicians.

Orthopedic Specialty Group, 75 Kings Highway Cutoff, Fairfield, Connecticut 06824. Plaintiff is uncertain of the exact dates of treatment and will provide them to Defendants.

11. If any plaintiff(s) was treated by a physician or physicians, list the names and addresses of all who treated them.

Response: Please see answers numbered 9 and 10.

12. If at the time of the alleged accident any plaintiff(s) was engaged in a gainful occupation, state the wages or salary that he was receiving at that time.

Response: Plaintiff was employed as a Customer Service Representative by K & M Associates, 251 Mill Street, Greenwich, Connecticut 06830. Plaintiff's customary earnings were approximately \$300 per week and was out of work from June 28, 2005 through

13. If any plaintiff(s) was incapacitated from work as a result of the alleged accident, state the dates between which they were so incapacitated.

Response: Plaintiff was incapacitated from work for approximately two months, and she then returned to work on a part time basis.

14. If any plaintiff(s) has suffered financial loss as a result of the alleged accident, state in what amount, itemizing:

- a) doctor's bills;
- b) nurses' bills;
- c) hospital(s) expenses;
- d) loss of wages, salary.

Response: Plaintiff is uncertain of the exact amount of financial loss for the items listed and will provide the same to Defendants.

coverage or policy of insurance relating to injuries described in the complaint, and if so, state:

- a) the name of the insurance company or organization to whom said claim was made;
- b) the date of the claim or application;
- c) the claim number and policy number;
- d) the amount of said claim or claims;
- e) the amount received on said claim or claims.

Response: Plaintiff will provide such information shortly.

Dated: White Plains, New York
August 22, 2007

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